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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/078,555	05/14/1998	CHANDRAKANT BHAILALBHAI PATEL	Q50373	7386

7590                    08/03/2007  
SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20037

EXAMINER
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TRAN, CONGVAN

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/078,555	PATEL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	CongVan Tran	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 02 May 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 1-23,26-27,30,34 and 37 is/are withdrawn from consideration.
- 5) Claim(s) 24-25,31-33 and 38-41 is/are allowed.
- 6) Claim(s) 28-29, 35-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 24-41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 28-29 and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Fogarty et al. (4,547,802).
4. Applicant's arguments with respect to claims 24-41 have been considered but are moot in view of the new ground(s) of rejection.

5.

Regarding claims 28-29, Fogarty discloses a TV Scrambler/descrambler using serial memories comprising: determining the variation, during an interval of time, of the direct current (DC) level of a received signal (see fig.1, element 26, 28, col.6, 36-44 and its description); and controlling the operating mode of the equalizer in response to the determined variation, wherein the received signal comprises multi-level symbols representing data and a field synchronizing signal, said symbols being characterized by a DC offset and wherein the determining step further comprises processing the field synchronizing signal to determine the variation of the DC offset in the received signal,

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wherein the field synchronizing signal comprises a pseudo random number symbol sequence and wherein the processing comprises sampling a part of the pseudo random number symbol sequence (see fig.1, elements 16, 18, 22, 30 fig. 2, col.2-3, and its description).

Regarding claim 35, Fogarty discloses a TV Scrambler/descrambler using serial memories comprising: comprising: means for determining the variation of the direct current (DC) level of a received signal during an interval of time (see fig.1, element 26, 28, col.6, 36-44 and its description); and means for controlling the operating mode of said adaptive equalizer as a function of the determined DC variation, wherein said received signal includes a field sync signal and wherein said DC variation determining means operates on said field sync signal (see fig.1, elements 22, 30 and its description).

Regarding claim 36, Fogarty further discloses wherein said field sync signal comprises a pseudo random number sequence of symbols, and further including: means for sampling a portion of said sequence of symbols for processing by said DC variation means (see fig.1, element 18 and its description).

***Allowable Subject Matter***

6. Claims 24-25, 31-33, and 38-41 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CONGVAN TRAN  
~~MARY EXAMINER~~

CongVan Tran  
Primary Examiner  
Art Unit 2617

Jul. 26, 2007.